

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TREMAINE A. GRAY,)
)
Plaintiff,)
)
vs.) Case No. 10-cv-0569-MJR
)
DONALD GAETZ,)
OFFICER BRADLEY,)
and OFFICER BETHEL,
)
Defendant.)

ORDER DISMISSING CASE

REAGAN, District Judge:

Five months ago, Tremaine Gray (an inmate confined at Menard Correctional Center "MCC", within this Judicial District) filed the above-captioned lawsuit under 42 U.S.C. 1983 against the Warden and two correctional officers at MCC. The case was randomly assigned to Chief Judge David R. Herndon who conducted preliminary review of Gray's complaint. On October 20, 2010, Chief Judge Herndon issued an Order (Doc. 3) directing Gray to take certain action within 30 days – either pay the \$350.00 filing fee for this lawsuit or file a motion for leave to proceed in forma pauperis (without prepaying the fee), supported by a copy of his prison trust account statement. Chief Judge Herndon's Order plainly warned that failure to comply with his directive would result in the case being closed under Federal Rule of Civil Procedure 41(b).

The 30-day deadline elapsed long ago. Plaintiff Gray neither sought additional time to comply nor followed either of the two options delineated by Judge Herndon in the October 10th Order.

On January 3, 2010, the case was administratively reassigned to the undersigned District Judge. Review of the docket sheet reveals that Judge Herndon's Order – which was sent to Plaintiff at the address Plaintiff provided and was sent with a copy of the Court's form motion for leave to proceed in forma pauperis – was returned to the Clerk's Office as undeliverable on October 27, 2010. In the ten weeks since then, Plaintiff has not notified this Court of a new/current address or taken any action to proceed with his case.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(b), the Court hereby **DISMISSES this action without prejudice** for failure of Plaintiff to prosecute his case.

IT IS SO ORDERED.

DATED January 11, 2011.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge